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REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

COUNCIL PROCEDURAL BY-LAW

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Authority: Special Council - December 8, 1997
Council – October 20, 1998 (CM98003)

BILL NO. 2784

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R98-088

**BEING A BY-LAW TO AMEND THE COUNCIL
PROCEDURAL BY-LAW R91-123**

WHEREAS, pursuant to section 13 of *The Regional Municipality of Hamilton-Wentworth Act*, R.S.O. 1980, c.437, Regional Council on October 22, 1991, enacted a revised and consolidated Council Procedural By-Law R91-123 to govern the proceedings of Council and its Committees, the conduct of its Members, and the calling of meetings;

AND WHEREAS Regional Council on 4 February 1992, enacted By-Law R92-007, to amend the said By-Law in order to adopt a revised structure for Standing Committees of Council;

AND WHEREAS at its Inaugural Meeting on 8 December 1997, Regional Council, by resolution, established a revised structure for the Standing and Special Committees of Council, and directed that the Council Procedural By-Law be amended accordingly;

AND WHEREAS at its regular meeting of 20 October 1998, Regional Council by resolution adopted a new process for the approval of adjustments to the complement of the Regional Corporation, and directed that the Council Procedural By-Law be amended to accommodate the new process;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Section 10.1 of The Council Procedural By-Law R91-123, as amended by By-Law R92-007, is repealed and the following substituted therefor:

“10.1 The Standing Committees of Council shall be as follows:

- (a) The Community Services and Public Health Committee;
- (b) The Economic Development and Tourism Committee;
- (c) The Environmental Services Committee;
- (d) The Finance and Administrative Services Committee;
- (e) The Transportation Services Committee.”

2. Section 10.3 of the said By-Law, as amended by By-Law R92-007, is further amended by adding the words “Finance and” before the words “Administrative Services Committee”, in the first line.

3. Clause (d) of section 10.3 of the said By-Law, as amended by By-Law R92-007, is repealed and the following substituted therefor:

“(d) Human Resources:

- (i) the establishment and classification of positions which will result in a net cost that cannot be accommodated within the current operating budget of the concerned department or division of the combined administration of the Regional Corporation and the Corporation of the City of Hamilton;
- (ii) the appointment and dismissal of statutory officers of the Regional Corporation and the positions of General Manager of a division of the combined administration of the Regional Corporation and the Corporation of the City of Hamilton;
- (iii) labour relations and policies related to the terms and conditions of employment for persons employed by the Regional Corporation.”

4. Section 10.3 of the said By-Law, as amended by By-law R92-007, is further amended by adding the following clause:

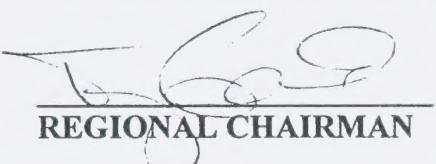
“(e) Finance:

to prepare and report to Council on the current and capital budgets of the Regional Corporation, and to have general supervision of the said budgets, and to consider and report to Council on any matter over which Council has authority under Part VIII of the *Regional Municipalities Act* (“Finances”), and on any other matter referred to it by Council.”

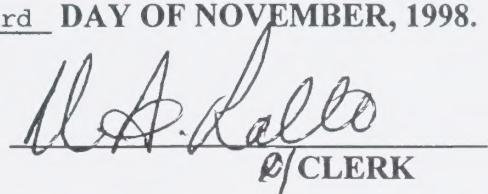
5. Section 10.4 of the said By-Law, as amended by By-Law R92-007, is further amended by deleting the word “Planning” and substituting the word “Tourism” before the word “Committee” in the first line.
6. Section 10.6 of the said By-law, as amended by By-Law R92-007, is repealed.
7. Section 10.7 of the said By-Law, as amended by By-Law R92-007, is further amended by deleting the words “Health and Social Services” and substituting the words “Community Services and Public Health” before the word “Committee” in the first line.
8. Sections 1, 2, 4, 5, 6 and 7 of this By-Law shall be deemed to have come into force on 8 December 1997.

9. Section 3 of this By-Law shall be deemed to have come into force on October 20, 1998.

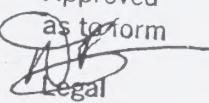
PASSED AND ENACTED THIS 3rd DAY OF NOVEMBER, 1998.



REGIONAL CHAIRMAN



M.A. Kallo
Clerk

Approved
as to form

Legal
Services



Authority: L&R 9-91, Item 3
CM October 1, 1991

Bill No. 1898

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R91. 123

**BEING A BY-LAW TO REVISE
AND CONSOLIDATE THE PROVISIONS
GOVERNING THE PROCEEDINGS OF
COUNCIL AND ITS COMMITTEES,
THE CONDUCT OF ITS MEMBERS,
AND THE CALLING OF MEETINGS**

Whereas section 13 of the Regional Municipality of Hamilton-Wentworth Act empowers the Regional Council to pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings, the Council of the Regional Municipality of Hamilton-Wentworth enacts as follows:

INTERPRETATION

1. In this By-Law,
 - (a) "Act" means the Regional Municipality of Hamilton-Wentworth Act, R.S.O. 1980, c.437, as amended from time to time;
 - (b) "Acting Chairman" means the Member appointed by by-law to act from time to time in the place and stead of the Chairman, pursuant to subsection 15(2) of the Act;
 - (c) "Chairman" means the Chairman of the Council;
 - (d) "Clerk" means the Clerk of the Regional Corporation;
 - (e) "Committee" means a Standing or Special Committee of Council;
 - (f) "Committee Chairman" means the Chairman of a Standing or Special Committee of the Council;

- (g) "Committee of the Whole" means all the Members present sitting in committee of the whole Council;
- (h) "Committee Vice-Chairman" means the Vice-Chairman of a Standing or Special Committee of the Council;
- (i) "Council" means the Council of the Regional Corporation;
- (j) "Member" means a Member of the Council;
- (k) "recorded vote" means the making of a written record of the name and the vote of each Member who votes on a question;
- (l) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;
- (m) "rules of procedure" means the provisions governing the proceedings of council which are set forth in this By-Law;
- (n) "substantive motion" means any motion except one of the following:
 - (i) to refer;
 - (ii) to amend;
 - (iii) to table the question;
 - (iv) to recess;
 - (v) to vote on the question;
 - (vi) to reconsider;
 - (vii) to adjourn.
- (o) "Vice-Chairman" means the Member of Council who has been appointed by the Chairman to preside over the proceedings of the Committee of the Whole.

APPLICATION

- 2.1 The rules of procedure contained in this By-Law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council, and, where applicable, in a Committee or in the Committee of the Whole.
- 2.2 The rules of procedure may be suspended by a vote of the majority of the Members of Council present and voting.
- 2.3 In any case for which provision is not made in this By-Law, the procedure to be followed shall be as similar as is reasonably practicable to the procedure in the Parliament of Canada as described in Bourinot's Rules of Order.

CHAIRMAN

3. The Chairman shall be, by virtue of the office, a member of all Committees, but shall not be eligible to be the Chairman or Vice-Chairman of a Standing Committee.

COUNCIL MEETINGS

- 4.1 Place
Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the Regional Area as Council from time to time appoints.
- 4.2 Regular Meetings
 - (a) Meetings of Council shall be held at the hour of half past seven o'clock in the evening of the first and third Tuesday of each month.
 - (b) Notwithstanding clause (a), there shall be one meeting of Council during the months of July, August, September and January, which is to be held on the third Tuesday of each such month.

4.3 Special Meetings

- (a) In addition to regular meetings, the Chairman may at any time summon a special meeting of Council by giving a written direction to the Clerk stating the date, time, and purpose of the special meeting.
- (b) The Chairman shall summon a special meeting of Council when requested to do so in writing by a majority of Members.
- (c) The Clerk shall give all members notice of a special meeting of Council at least forty-eight hours before the time appointed for such meeting.
- (d) Notice may be given by delivering a written notice personally to a Member or by leaving such notice at his or her residence or place of business, or by facsimile transmission to such residence or place of business.
- (e) The written notice to be given under clause (d) shall state the nature of the business to be considered at the special meeting.
- (f) No business other than that stated in the written notice shall be considered at the special meeting except with the unanimous consent of all Members present and voting at such meeting.

4.4 Change of Date and/or Time of Regular Meeting

- (a) Where the Chairman considers it necessary because of exceptional circumstances to change the date or the time, or both, of a regularly scheduled meeting of Council, with the agreement of the Chairman of the Legislation and Reception Committee, he or she shall direct the Clerk to ascertain the views of the Members concerning the proposed change.
- (b) Where the Clerk ascertains that a majority of the Members have no objection to the proposed change, he or she shall notify the Chairman in writing and give notice of the change to all Members in the manner set forth in clauses (c) and (d) of section 4.3.

CALLING OF MEETING TO ORDER

5. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Chairman shall take the Chair and call the Members to order.

ABSENCE OF CHAIRMAN

- 6.1 If the Chairman does not attend a meeting of Council within fifteen minutes after the time appointed, the Clerk shall call the Members to order and the Acting Chairman shall preside until the arrival of the Chairman.
- 6.2 If the Acting Chairman is not present at the time when the Clerk calls the Members to order, the Member present who acted as Vice-Chairman at the most recent previous meeting of Council shall preside until the arrival of the Chairman or Acting Chairman.
- 6.3 While presiding over a meeting of Council, the Acting Chairman or Vice-Chairman who acted at the most recent previous meeting of Council has and may exercise all the rights, powers and authority of the Chairman under this By-Law.

ABSENCE OF QUORUM

7. If a quorum as required by section 9 of the Act is not present within thirty minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-Law.

INAUGURAL MEETING

8.1 The Inaugural meeting of Council, after a regular election shall be held after the councils of the area municipalities have held their first meetings, but in any event, no later than December 14 of that year.

8.2 The order of proceedings shall be as follows:

- (a) prayers;
- (b) filing of certificates and declarations of office in accordance with the provisions of section 8 of the Act;
- (c) election of Members to The Regional Municipality of Hamilton-Wentworth Police Services Board;
- (d) election of the Chairmen, Vice-Chairmen and Members of Committees;
- (e) passage of a confirming by-law.

APPOINTMENT TO COMMITTEES

9.1 Council shall appoint all members of Committees from the Members except the Chairman.

9.2 Each Member shall serve on at least two Standing Committees, but no Member shall serve on more than three Standing Committees.

9.3 Council shall appoint a Chairman and a Vice-Chairman of each Committee from among the Members appointed to that Committee.

9.4 A Member shall not serve as Chairman or Vice-Chairman of more than one Standing Committee.

9.5 A Member appointed as a member of The Regional Municipality of Hamilton-Wentworth Police Services Board is not eligible to be appointed to the position of Chairman or Vice-Chairman of a Standing Committee.

9.6 If the position of Committee Chairman or Committee Vice-Chairman becomes vacant, Council shall appoint a member of the Committee to fill the vacant position.

STANDING COMMITTEES

10.1 The Standing Committees of Council shall be as follows:

- (a) The Economic Development and Planning Committee;
- (b) The Engineering Services Committee;
- (c) The Finance and Personnel Committee;
- (d) The Health and Social Services Committee;
- (e) The Legislation and Reception Committee;
- (f) The Transportation Services Committee.

10.2 Each of the Standing Committees shall be composed of the Chairman and nine other Members.

10.3 **The Economic Development and Planning Committee** has power to inquire into and report to Council on any matter over which the Council has authority under Part VI and section 136 or any other relevant sections of the Act, and any other matter referred to it by Council.

10.4 **The Engineering Services Committee** has power to inquire into and report to Council on any matter over which the Council has authority under Parts III, V, IX and X and any other relevant sections of the Act, and any other matter referred to it by Council.

10.5 **The Finance and Personnel Committee** shall draft and report to Council on the overall budget and has general supervision of the overall budget and has power to inquire and report to Council on any matter over which Council has authority under Part XI of the Act and any other matter referred to it by Council, and has power to inquire into and report to Council on any matter relating to personnel issues, including the establishment and classification of positions, appointments, dismissals, labour negotiations and grievances, policies related to salaries, wage rates and employee benefits, and other related matters, and any other matter referred to it by Council.

10.6 **The Health and Social Services Committee** has power to inquire into and report to Council on any matter over which the Council has authority under Part VII of the Act and any other matter referred to it by Council, and has power to inquire into and report to Council on any matter over which the Council has power under the Health Protection and Promotion Act, 1983, and any other legislation respecting public health matters, and generally shall be responsible to investigate, report and recommend to Council on all matters related to public health in the Regional Area, and any other matter referred to it by the Council.

10.7 **The Legislation and Reception Committee** shall:

- (a) review proposed legislation of the Regional Corporation following consideration of such legislation by other Committees where applicable and report to Council;
- (b) review proposed federal and provincial legislation affecting the Regional Corporation and the area municipalities following consideration of such legislation by other Committees where applicable and report to Council;
- (c) continue to review the operation of the procedural by-law of Council and report to Council;
- (d) consider all resolutions adopted by other Committees recommending the passage of legislation by the Province of Ontario or the Government of Canada;
- (e) recommend appointments to Boards and any other special purpose bodies to which Council is required or empowered to appoint persons, other than any body that reports to a Committee, each Member being required to serve on at least one such body;
- (f) consider all applications for hospitality and reception grants;
- (g) attend to all matters concerning reception and entertainment of a public character under the direction of Council;
- (h) attend to all matters concerning special recognition;

- (i) consider and report on such other matters as may from time to time be referred to the Committee by Council;
- (j) inquire into and report to Council on any matters arising from clauses (a) to (i) of this section.

10.8 **The Transportation Services Committee** shall inquire into and report to Council on all matters relating to public transportation services over which Council has authority under Part IV of the Act, and shall consider and recommend to Council on all matters relating to the operation of The Hamilton Street Railway Company, The Canada Coach Lines, Limited, and Safety Service and Adjusters Limited, and any other matter referred to it by Council.

10.9 Notwithstanding sections 10.3 to 10.8,

- (a) Council may consider any matter without referring it to a Committee or may refer it to two or more Committees and may withdraw a matter from a Committee whether or not the Committee has entered into consideration thereof;
- (b) Council may at any time by resolution appoint a Special Committee to inquire into and report on any matter.

MEETINGS OF COMMITTEES

11.1 **Regular Meetings of Committees**

Meetings of Committees shall be held on the date and at the time and place determined by the Committee.

11.2 **Special Meetings of Committees**

- (a) In addition to regular meetings, the Committee Chairman may at any time summon a special meeting of a Committee by giving a written direction to the Clerk stating the date, time and purpose of the special meeting.
- (b) The Committee Chairman shall summon a special meeting of a Committee when requested to do so by a majority of members of the Committee.

- (c) The Clerk shall give all Members notice of a special meeting of a Committee at least forty-eight hours before the time appointed for such meeting.
- (d) Notice may be given by delivering a written notice personally to a Member or by leaving such notice at his or her residence or place of business, or by facsimile transmission to such residence or place of business.
- (e) The written notice to be given under clause (d) shall state the business to be considered at the special meeting.
- (f) No business other than that stated in the written notice shall be considered at the special meeting except with the unanimous consent of all Members of the Committee present and voting at such meeting.
- (g) Where the Committee Chairman considers it necessary because of the urgent nature of the business to be conducted with less than forty-eight hours notice, with the agreement of the Chairman, he or she shall direct the Clerk to notify all members of the Committee verbally of the date, time, and place of the meeting and the purpose of the special meeting.
- (h) The Clerk shall maintain a separate record of the attendance of members of Committees for all special meetings of Committees.
- (i) The record maintained under clause (h) shall not be included with a yearly attendance record.

ORDER OF PROCEEDINGS IN COUNCIL

12.1 The order of business for the regular meetings of the Council shall be as follows:

- (a) Lord's prayer
- (b) ceremonial activities
- (c) declarations of interest
- (d) minutes of previous meetings

- (e) communications
- (f) reports
- (g) unfinished business
- (h) motions
- (i) notices of motion
- (j) other business
- (k) by-laws
- (l) questions of the day
- (m) adjournment

12.2 All business shall be taken up in the order in which it appears on the agenda unless otherwise decided by a vote of the majority of the Members present and voting.

DUTIES OF CHAIRMAN

13. It shall be the duty of the Chairman

- (a) to open the meeting of Council by taking the chair and calling the Members to order;
- (b) to lead the Council or arrange for another Member to lead the Council in a short prayer for Divine Guidance;
- (c) to announce the business before the Council in the order in which it is to be acted upon;
- (d) to receive and submit, in the proper manner, all motions presented by the Members;
- (e) to put to vote all questions, which are duly moved and seconded, and to announce the result;
- (f) to decline to put to vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of Council;

- (g) to restrain the Members, when engaged in debate, within the rules of procedure;
- (h) to enforce on all occasions, the observance of order and decorum by the Members and any other persons present in the chamber;
- (i) to call by name, any Member persisting in breach of the rules of procedure and to order him or her to vacate the chamber in which the meeting is being held;
- (j) to receive all messages and other communications to Council while in session, and to announce them to Council;
- (k) to authenticate by his or her signature, when necessary, all by-laws, resolutions, and minutes of Council;
- (l) to inform the Council on any point of order as seems necessary;
- (m) to represent and support the Council, declaring its will and implicitly obeying its decision in all things;
- (n) to adjourn the meeting upon motion duly moved and seconded when the business is concluded;
- (o) if he or she considers it necessary because of grave disorder, to adjourn the sitting without the question being put, or suspend the sitting for a time to be specified by him or her;
- (p) to ensure that no person except a Member, officer or employee of the Regional Corporation is permitted to enter upon the floor of the chamber during the sittings of the Council without permission of the Chairman or the Council.

RULES OF DEBATE IN COUNCIL

- 14.1 No Member shall be deemed to have precedence or seniority over any other Member.
- 14.2 Before speaking to a question or motion, a Member shall rise from his or her seat and address the Chairman.

14.3 When two or more Members rise to speak, the Chairman shall designate the Member who rose first as the Member who has the floor.

14.4 Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute, in which case, the Clerk shall record the name of the Member and the reason that he or she is prohibited from voting.

14.5 If a Member does not vote when a question is put, he or she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.

14.6 When a recorded vote is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on the question.

14.7 If a Member disagrees with the announcement of the Chairman that a question is carried or lost, he or she may immediately after the declaration by the Chairman, object to the Chairman's declaration and require that a recorded vote be taken.

14.8 When the Chairman calls for a vote on a question, each Member shall occupy his or her seat and shall remain there until the result of the vote has been declared by the Chairman, and during such time no Member shall walk across the chamber or speak to a Member or any other person or make any noise or disturbance.

14.9 When a Member is speaking no other Member shall pass between that Member and the Chairman or interrupt that Member except to raise a point of order.

14.10 A Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member who is speaking.

14.11 No Member shall speak more than once to the same question without leave of the Council, but a reply may be made by the Member who has presented the motion to the Council, but not by a Member who has moved an amendment or a procedural motion to the main motion.

14.12 No Member, without leave of the Council, shall speak to the same question, or in reply, for longer than five minutes.

14.13 (a) A Member may ask a question for the purpose of obtaining information relating to the matter under discussion and such question shall be stated concisely and asked only through the Chairman.

(b) Notwithstanding clause (a), when a Member has been recognized as the next speaker, before speaking the Member may ask a question of or through the Chairman on the matter under discussion for the purpose of obtaining information, following which the Member may speak.

14.14 (a) The following matters may be introduced orally without written notice and without leave:

- (i) a point of order;
- (ii) a point of privilege;
- (iii) a motion to adjourn;
- (iv) a motion to refer;
- (v) a motion to table the question;
- (vi) a motion to vote on the question;
- (vii) a motion to go into Committee of the Whole.

(b) The following motions may be introduced without notice and without leave, but shall be in writing and signed by the mover and seconder:

- (i) to amend;
- (ii) to suspend the rules of procedure;
- (iii) to recess.

POINTS OF ORDER AND PRIVILEGE

15.1 The Chairman shall preserve order and decide points of order and points of privilege.

15.2 In all unprovided cases in the proceedings of Council or of the Committee of the Whole, the matter shall be decided by the Chairman, subject to an appeal to the Council upon a point of order.

15.3 (a) When a Member rises on a point of order, he or she shall ask leave of the Chairman to raise a point of order and after leave is granted, the Member shall state the point of order and sit down and remain seated until the Chairman has decided the point of order.

(b) If no Member appeals, the decision of the Chairman is final.

(c) After the Chairman has decided the point of order, a Member shall only address the Chair for the purpose of appealing to the Council from the Chairman's decision.

(d) If a Member appeals to Council on a point of order, Council shall hear the reason for the appeal from the appellant and the reason for the decision from the Chairman, and shall decide the question without debate.

(e) The decision of Council under clause (d) is final.

15.4 (a) Where a Member considers that his or her integrity or the integrity of the Council as a whole has been impugned, he or she may, on a point of privilege, rise with the consent of the Chairman for the purpose of drawing the attention of Council to the matter.

(b) When a point of privilege is raised, it shall be considered and decided by the Chairman immediately.

(c) The decision of the Chairman on a point of privilege is final.

CONDUCT OF MEMBERS IN COUNCIL

16.1 No Member shall

- (a) speak disrespectfully of the Reigning Sovereign, of any member of the Royal Family, of the Governor-General of Canada, of the Lieutenant-Governor of any Province; of any Member of the Senate or the House of Commons of Canada, or of the Legislative Assembly of the Province of Ontario;
- (b) use offensive words or unparliamentary language in or against the Council or against any Member, or any officer or employee of the Regional Corporation;
- (c) speak on any subject other than the subject in debate;
- (d) disobey the rules of the Council or a decision of the Chairman or of the Council on questions of order or procedure or upon the interpretation of the rules of the Council; and in case a Member persists in any such disobedience after having been called to order by the Chairman, the Chairman shall forthwith order him or her to vacate the chamber in which the meeting is being held, but if the Member apologizes he or she may, by vote of the Council, be permitted to retake his or her seat.
- (e) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status, or disability.

16.2 No food or beverages shall be allowed in the chamber during the sittings of the Council.

AGENDA IN COUNCIL

17.1 Order of Business

The Clerk shall prepare and cause to be printed a list of the items in the order of topics set out as the order of business in section 12.1 for the use of each Member at a regular meeting.

17.2 Minutes

- (a) The Clerk shall cause minutes to be taken of each meeting of Council, which shall include:
 - (i) the place, date and time of the meeting;
 - (ii) the names of the presiding officer or officers and the record of the attendance of the Members;
 - (iii) the reading, if requested, the correction, if necessary and the adoption of the minutes of the previous meeting;
 - (iv) all other proceedings of Council.
- (b) The Clerk shall ensure that the minutes of the last regular meeting of Council and reports of all Committee meetings held more than five days prior to a regular meeting, together with the agenda prepared in accordance with section 12.1, are delivered to each Member at his or her residence or place of business not less than forty-eight hours before the time appointed for the holding of such regular meeting.
- (c) Minutes referred to in clause (b) may be adopted by Council without having been read at the meeting at which the question of their adoption is considered, and, in other cases, the minutes shall be read prior to consideration of the question of their adoption.

17.3 Communications

- (a) Every written petition or communication addressed to Council shall be delivered to the Clerk not less than forty-eight hours before the commencement of the regular meeting of Council, and, if in the opinion of the Chairman it contains any obscene or improper matter or language, the Chairman shall decide whether it should be included in the agenda for the meeting.

(b) Subject to the decision of the Chairman under clause (a), the Clerk shall either present each Member with a copy of the substance of the communication or petition or read the substance thereof to Council, but a Member may require the reading of part or all of the communication or petition.

17.4 Reports

(a) Council shall move into Committee of the Whole to consider reports of Committees with the Vice-Chairman in the chair.

(b) The Vice-Chairman shall present the reports of Committees.

(c) Council may accept, reject, amend, table or refer back with or without instructions, any or all of the reports of Committees while in Committee of the Whole.

(d) When all reports of Committees have been presented, the Committee of the Whole shall rise and report.

(e) After reporting, the following motion shall be presented:
"That the report of the Committee of the Whole be received and adopted as presented." (Each report shall be listed, indicating any amendments thereto.)

17.5 Unfinished Business

The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council, or which have been tabled, and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until dealt with or removed from the agenda by leave of Council.

17.6 By-Laws and the Reading of Bills

(a) No bill, except a bill to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council.

- (b) Every bill shall be introduced upon motion by a Member, and any number of bills may be introduced together in one motion, but Council shall, at the request of a Member, deal separately with any bill.
- (c) Every bill when introduced, shall be in typewritten form, and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the number and date of the bill.
- (d) In proceedings in Committee of the Whole upon bills, each section shall be considered in its proper order, inclusive of the title and recitals.
- (e) All amendments made in Committee of the Whole shall be reported by the Chairman to Council, which shall receive the same forthwith, and after the report has been received, a vote on the motion to pass the bills shall be taken.
- (f) Every by-law which has been passed by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Chairman and the Clerk and shall be deposited by the Clerk in his or her office for safe-keeping.

MOTIONS

18.1 Notice of Motion

- (a) Notice of all new motions, except motions listed in clauses 14.14(a) and (b), shall be given in writing
 - i) at a meeting of Council but shall not be debated until the next regular meeting of Council; or
 - ii) delivered to the Clerk at any time prior to noon of the day preceding the date of the meeting at which the motion is to be introduced.

- (b) Where notice of motion has been delivered under sub-clause (ii), the motion shall be printed in or enclosed with the agenda for that meeting of Council and for each succeeding meeting until the motion is considered or otherwise disposed of.
- (c) When a Member's notice of motion has been called from the Chair at two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
- (d) Where Council has determined not to drop a notice of motion from the agenda, and at the third meeting such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

18.2 Motion in Writing

Except as provided in clause 14.14(a), a motion shall be in writing and signed by the mover and seconder.

18.3 Dispensing with Notice

A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members present and voting.

18.4 Seconding

A motion shall be formally seconded before the presiding officer puts the question or before a motion is recorded in the minutes.

18.5 Presentation of Motion by Chairman

When a motion is presented in Council in writing, it shall be read, or, if it is a motion which may be presented orally, it shall be stated by the Chairman before debate.

18.6 Motions Beyond Jurisdiction of Council

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

18.7 Withdrawal

After a motion is read or stated by the Chairman it shall be deemed to be in possession of Council, but may, with the permission of Council, be withdrawn at any time before decision or amendment.

18.8 Priority of Disposition

A motion properly before Council for decision must receive disposition before any other motion can be received, except motions in respect of matters listed in clauses 14.14(a) and (b).

18.9 Procedure at Next Meeting

A motion called in the order in which it stands upon the agenda of a meeting and which has not received disposition by Council, shall be allowed to stand retaining its precedence upon the agenda of the next regular meeting of Council.

18.10 Motion to Amend

A motion to amend

- (a) shall be presented in writing;
- (b) may, upon motion, also be amended, but only two such amendments may be entertained at the same time, and one of the amendments must be disposed of before any new amendment can be entertained;
- (c) shall be relevant to the question to be decided;
- (d) shall not be received if in essence it constitutes a rejection of the main question;
- (e) may contain a separate and distinct disposition of a question;
- (f) shall be put in the reverse order to that in which it is moved.

18.11 Motion to Vote on the Question

A motion that a vote on the question be now taken

- (a) cannot be amended or debated;
- (b) cannot be proposed when there is an amendment under consideration;
- (c) when resolved in the affirmative, requires that the question be put forward without debate or amendment;
- (d) can only be moved in the following words, "that the question be now put", and seconded;
- (e) may be voted against by the mover and seconder;
- (f) cannot be moved or seconded by a Member who has spoken on the main question.

18.12 Motion to Adjourn

A motion to adjourn the Council or to adjourn the debate shall always be in order except

- (a) when a Member is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a motion that a vote on the question be now taken;
- (c) when a Member has already indicated to the Chairman that he or she desires to speak on the question;

and, when resolved in the negative, cannot be made again until Council has conducted further proceedings.

18.13 Motion to Refer

- (a) A motion to refer the question may include
 - (i) the name of the Committee, other body or official to whom the question is to be referred; and

- (ii) instructions respecting the terms upon which the question is to be referred;
- (b) A motion to refer the question shall not be debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A motion to refer a question may be amended in accordance with the provisions of section 18.10.

18.14 Motion to Reconsider

- (a) Subject to clauses (b) and (c), after a question has been decided, it shall not be reconsidered during the term of the Council.
- (b) A Member who voted in the majority on a question may move or give notice for a reconsideration of the matter.
- (c) No discussion of the main question which is proposed for reconsideration shall be allowed until the motion to reconsider is carried.
- (d) Any subsequent motion to reconsider made at the same meeting at which a motion to reconsider a question was previously decided, must be carried by a vote of two-thirds of the Members present and voting.

VOTING ON MOTIONS

19.1 Majority

A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.

19.2 Tie Vote

Where a vote is taken and a tie results, the question shall be deemed to have been decided in the negative.

19.3 Division of Question

When the Chairman is satisfied that a question contains distinct proposals, he or she may divide the question, or upon the request of a Member, shall divide the question, and the vote upon each proposal shall be taken separately.

19.4 Questions Stated

A motion which is presented to Council in writing shall be read before a vote is taken, or, if it is a motion which may be presented orally, it shall be stated by the Chairman before debate.

19.5 No Interruption after Question

After a question is put by the Chairman, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

19.6 Absent Members

A Member who is not present in the chamber when a question is called by the Chairman is not entitled to vote on that question.

PROCEEDINGS IN COMMITTEE OF THE WHOLE

- 20.1** When it appears that one or more matters may be considered more conveniently in a committee of the whole Council, Council may upon motion resolve into Committee of the Whole.
- 20.2** The Chairman may appoint the Vice-Chairman to preside over the proceedings of the Committee of the Whole and shall then vacate the chair.
- 20.3** The Chairman shall assume the chair when the Vice-Chairman is speaking to a question or is temporarily absent from the meeting.
- 20.4** The Chairman or Vice-Chairman shall maintain order in the Committee of the Whole and report the proceedings to Council.
- 20.5** The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Committee of the Whole, so far as they are applicable, provided that:

- (a) no vote shall be recorded unless requested by a Member;
- (b) the number of times of speaking on any question shall not be limited;
- (c) no Member shall speak more than once, except to make an explanation, until every Member who desires to speak has spoken;
- (d) if a Member disobeys the rules of the Council or a decision of the Chairman or Vice-Chairman on questions of order or practice, or upon the interpretation of the rules of the Council, and persists in such disobedience after having been called to order by the Chairman or Vice-Chairman, the Chairman or Vice-Chairman shall forthwith suspend the proceedings of the Committee of the Whole and report the circumstances to the Council, and the Chairman shall forthwith order him or her to vacate the chamber in which the meeting is being held, but if the Member apologizes, he or she may, by vote of the Council, be permitted to retake his or her seat.

20.6 A motion to move out of Committee of the Whole and to report the proceedings to Council shall be decided without debate.

20.7 After the Committee of the Whole has reported its proceedings to Council, the Chairman shall resume the chair in Council and proceed with the next order of business.

20.8 All proceedings of the Committee of the Whole shall be open to the public, except where a matter to be considered relates to:

- (a) pending or contemplated litigation or the receiving of confidential legal advice;
- (b) wages, salaries, benefits and discipline of individual employees and officers of the Regional Corporation;
- (c) collective bargaining on behalf of the Regional Corporation;
- (d) the proposed acquisition or disposal of real property by the Regional Corporation and related negotiations;

- (e) matters related to security involving the Hamilton-Wentworth Regional Police Service;
- (f) matters related to preliminary discussions concerning the location, relocation, or expansion of commercial or industrial enterprises, at the request of the owners;
- (g) information which is prohibited from being made public by legislation of the Province of Ontario or the Government of Canada.

20.9 Where a matter to be considered relates to a subject described in section 20.8, the matter may be dealt with **in camera** upon a majority vote of the Members present and voting.

20.10 The recommendation of the Committee of the Whole concerning a matter involving a subject described in clause 20.8 shall be made in public.

20.11 (a) The verbal communications of Members which are made during meetings of the Committee of the Whole held **in camera** shall be privileged communications, and the taping or transcribing of such communications is prohibited.

(b) Any person found by the Member chairing the meeting to be in contravention of this section shall be reprimanded and ejected from the meeting unless he or she apologizes to the Members present and disengages the transcribing device.

PROCEEDINGS IN STANDING AND OTHER SPECIAL COMMITTEES

21.1 The Committee Chairman or in his or her absence the Committee Vice-Chairman, or in the absence of both, such other Member of the Committee as may be appointed by the vote of a majority of the Members of the Committee present, shall preside at the meeting of a Committee and shall vote on all questions submitted.

21.2 (a) The quorum of a Committee shall consist of five Members, and may include the Chairman.

(b) If a quorum is not present thirty minutes after the time appointed for the meeting, the meeting shall stand adjourned.

- (c) When a meeting has been adjourned under clause (b), the Committee Chairman may summon a special meeting in accordance with section 11.2.

21.3 (a) The rules governing the procedure in the Committee of the Whole apply to the proceedings of Committees.

 (b) A motion may be introduced orally but shall be moved and seconded before a vote is taken.

 (c) When a point of order is raised or when a Member is called to order in a Committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chairman, subject to an appeal to the Members of the Committee.

 (d) Notwithstanding clause (a), where a vote is taken and a tie results, the question shall be deemed to have been decided in the negative, and shall be reported to Council as information.

21.4 The Clerk or an employee of the Regional Corporation designated by the Clerk, shall be the secretary of each Committee.

21.5 All proceedings of a Committee shall be open to the public, except where a matter to be considered relates to a subject described in section 20.8.

21.6 (a) Any person who wishes to make representations to a Committee shall notify the Clerk in writing, at least seventy-two hours prior to the scheduled time of the meeting of the Committee, stating the subject upon which it is desired to make representations and the group or organization, if any, upon whose behalf the representations will be made.

 (b) The Committee shall determine whether or not a person will be permitted to make representations, and, if so, the manner in which and the time which will be allowed for the making of the representation.

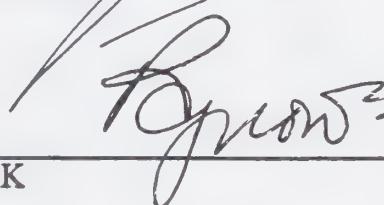
COMMENCEMENT AND ADMINISTRATION

22. This By-Law shall be administered by the Clerk.
23. A motion to amend or repeal this By-Law may not be considered at a meeting of Council unless notice of the proposed motion was given at a previous regular meeting of Council.
24. By-Laws R85-134, R86-016, R86-111, R86-139, R87-123, R89-027, R91-048 and R91-092 are repealed.
25. This By-Law comes into force on December 1, 1991.
26. The short title of this By-Law is **The Council Procedural By-Law**.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
AND ENACTED THIS 15th DAY OF October, 1991.



CHAIRMAN



CLERK

Approved
as to form

Legal
Services

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH CLE 92-006

BY-LAW R92-007

**BEING A BY-LAW TO AMEND THE
COUNCIL PROCEDURAL BY-LAW**

WHEREAS, pursuant to section 13 of the Regional Municipality of Hamilton-Wentworth Act, Regional Council on October 22, 1991, enacted a revised and consolidated Procedural By-Law to govern the proceedings of Council and its committees, the conduct of its members, and the calling of meetings;

AND WHEREAS at its regular meeting of November 5, 1991, Council by resolution adopted a new structure for the Standing Committees of Council;

AND WHEREAS the said Procedural By-Law came into force on December 1, 1991, and it is considered convenient to incorporate the new structure for Standing Committees into the said By-Law;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ENACTS AS FOLLOWS:

1. Clause 4.4(a) of The Council Procedural By-Law R91-123 is amended by striking out the words "Legislation and Reception" in the fourth and fifth lines and inserting in lieu thereof "Administrative Services".
2. Clause 1(o) of the said By-Law is repealed and the following substituted therefor:
 - (o) "Vice-Chairman" means the Member of Council who has been appointed under section 6.2 by the Members present to preside until the arrival of the Chairman or the Acting Chairman or the Member who has been appointed under section 20.2 by the Chairman to preside over the proceedings of the Committee of the Whole.
3. Section 6.2 of the said By-Law is repealed and the following substituted therefor:



- 6.2 If the Acting Chairman is not present at the time when the Clerk calls the Members to order, the Members present shall appoint a Vice-Chairman who shall preside until the arrival of the Chairman or Acting Chairman.
 4. Section 6.3 of the said By-Law is repealed and the following substituted therefor:

 - 6.3 While presiding over a meeting of Council, the Acting Chairman, or the Vice-Chairman appointed by the Members present in accordance with section 6.2, has and may exercise all the rights, powers and authority of the Chairman under this By-Law.
 5. Section 10.1 of The Council Procedural By-Law R91-123 is revoked and the following substituted therefor:

 - 10.1 The Standing Committees of Council shall be as follows:

 - (a) The Administrative Services Committee;
 - (b) The Economic Development and Planning Committee;
 - (c) The Environmental Services Committee;
 - (d) The Finance Committee;
 - (e) The Health & Social Services Committee;
 - (f) The Transportation Services Committee.
 6. Section 10.3 of the said By-Law is re-numbered as section 10.4.
 7. Section 10.4 of the said By-Law is repealed and the following substituted therefor:

 - 10.5 The Environmental Services Committee shall report to Council on the overall programming, budgeting, operation, and maintenance of the water and sewage systems under Parts IX, and X of the Act, the development and implementation of a Regional Waste Management Plan, and the administration, operation and maintenance of Regional property and facilities and any other matter referred to it by Council or its committees.



8. Section 10.5 of the said By-Law is repealed and the following substituted therefor:
 - 10.6 **The Finance Committee** shall draft and report to Council on the overall budget and has general supervision of the overall budget and has the power to inquire and report to Council on any matter over which Council has power under Part XI of the Act and any other matter referred to it by Council.
9. Section 10.6 of the said By-Law is repealed and the following substituted therefor:
 - 10.7 **The Health and Social Services Committee** has power to inquire into and report to Council on any matter over which the Council has authority under Part VII of the Act and any other matter referred to it by Council, and has power to inquire into and report to Council on any matter over which the Council has authority under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, and any other legislation respecting public health matters, and generally shall be responsible to investigate, report and recommend to Council on all matters related to public health in the Regional Area, and any other matter referred to it by Council.
10. Section 10.7 of the said By-Law is repealed and the following substituted therefor:
 - 10.3 **The Administrative Services Committee** has power to inquire into and report to Council on the following matters:
 - (a) **Accommodation:**
to recommend a permanent location for the Regional Offices which will consolidate all aspects of the operation.
 - (b) **Information Systems:**
to co-ordinate systems functions for the Regional Corporation and the Corporation of the City of Hamilton.
 - (c) **Legislation and Reception:**
 - (i) to review proposed legislation of the Regional Corporation following consideration of such legislation



by other Committees of Council, where applicable, and to report to Council;

- (ii) to continue to review the operation of the Council Procedural By-Law and to report to Council;
- (iii) to review proposed federal and provincial legislation affecting the Regional Corporation and the area municipalities following consideration of such legislation by other Committees where applicable and report to Council;
- (iv) to consider all resolutions adopted by other Committees recommending the passage of legislation by the Province of Ontario or the Government of Canada;
- (v) to recommend appointments to Boards and any other special purpose bodies to which Council is required or empowered to appoint persons, other than any body that reports to a Committee, each Member being required to serve on at least one such body;
- (vi) to consider all applications for hospitality and reception grants;
- (vii) to attend to all matters concerning reception and entertainment of a public character under the direction of Council;
- (viii) to attend to all matters concerning special recognition;
- (ix) to consider and report on such other matters as may from time to time be referred to the Committee by Council.

(d) Personnel:

- (i) the establishment and classification of positions;
- (ii) appointments, dismissals, labour negotiations and grievances;
- (iii) policies related to salaries, wages, and employee benefits.



11. Section 10.8 of the said By-Law is repealed and the following substituted therefor:

10.8 The Transportation Services Committee shall report to Council on all matters over which Council has power under Part III of the Act relating to Public Transportation, Part IV of the Act, relating to the Regional Road System, matters relating to the Redhill Creek Expressway and shall consider and recommend to Council on all matters relating to the regulation of The Hamilton Street Railway Company, The Canada Coach Lines Ltd., Safety Service and Adjusters Ltd., Disabled and Aged Regional Transit System, and any other matters referred to it by Council.

12. (1) Clause 17.4(a) of the said By-law is amended by striking out "with the Vice-Chairman in the chair" in the second and third lines.

(2) Clause 17.4(b) of the said By-Law is amended by striking out "Vice-Chairman" and inserting in lieu thereof "Chairman".

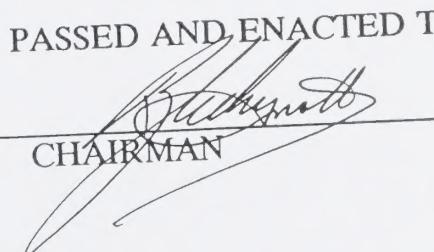
13. Section 20.2 of the said By-Law is amended by striking out "the" before the word "Vice-Chairman" and inserting in lieu thereof "a".

14. Section 20.3 of the said By-Law is amended by adding "If a Vice-Chairman has been appointed under section 20.2, the" at the commencement thereof and striking out "The".

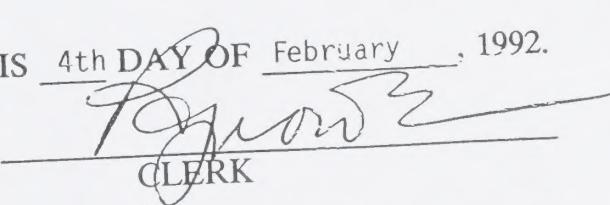
15. Section 20.7 of the said By-Law is amended by striking out "resume the Chair in Council and" in the second line.

16. This By-Law shall be deemed to have come into force on December 1, 1991.

PASSED AND ENACTED THIS 4th DAY OF February, 1992.



CHAIRMAN



CLERK

Approved
as to form

Legal
Services

